

REMARKS

Applicants express appreciation to the Examiner for the interview granted to Applicants' attorney. As noted in the Interview Summary prepared by the Examiner, "Applicants' representative proposed filing a CPA to remove the Zigmond reference under 103(c) and [proposed] to amend the independent claims by clarifying that the script contains executable code which is run when the receiver identifies a trigger of a URL that matches the URL stored at the receiver." The claims have been amended herein consistent with the matters proposed and discussed at the interview. Accordingly, claims 1 - 19, 22 - 25 and 27 - 29 are presented for reconsideration. Of those claims, claims 1, 11 and 19 are independent claims directed to methods, and claims 27 - 29 are corresponding independent claims directed to computer program products. The remaining claims are dependent claims.

As further noted in the Interview Summary, the proposed amendments as presented and discussed "would overcome the rejections of record and would advance the case subject to any new art found when updating the search." Accordingly, favorable reconsideration of the claims as presented herein is respectfully requested.

In the Final Office Action, the prior rejection of the independent claims under 35 U.S.C. § 102(e) as anticipated by U. S. Pat. No. 6,400,407 (Zigmond et al.) was maintained. The rejection of the dependent claims as anticipated by Zigmond et al. or as obvious under 35 U.S.C. § 103(c) over Zigmond et al. in view of U. S. Pat. No. 6,021,426 (Douglis et al.)¹ was also maintained.

As noted and discussed at the interview, as presented herein for reconsideration, the independent claims at issue (e.g. method claims 1, 11 and 19, and corresponding computer program product claims 27 - 29) each claim a method of enhancing an information resource such as a Web page used to enhance a video broadcast signal with Internet content, and wherein an information resource simultaneously resides in memory on a number of remote receivers. As claimed, the method comprises storing, in one or more receivers, an information resource identified by a first resource identifier, monitoring at the one or more receivers a data service channel of a broadcast signal for a script trigger, wherein the script trigger includes a second

¹Since Douglis et al. qualifies as "prior art" if at all only under section 102(e), Applicants reserve the right to challenge the status of Douglis et al. as a proper reference. Any argument herein in regard to Douglis et al. is thus made merely assuming *arguendo* the "prior art" status of the reference.

resource identifier and a script which contains executable code, and thereafter, running the executable code of the script on the one or more receivers, upon receipt of the script trigger, if the second resource identifier matches the first resource identifier of the stored information resource.

The prior art of record does not anticipate or make obvious Applicants' claimed method and computer program product. In particular, the principal reference relied upon for both anticipation and obviousness, Zigmond et al., discloses, as noted by the Examiner in the Final Action, attribute/value pairs (e.g., data) that are broadcast with video signal and used to update the information resource. However, updating the information resource using such embedded data clearly is not the same as and does not anticipate methods which include "monitoring at the one or more receivers a data service channel of a broadcast signal for a script trigger, wherein the script trigger includes a second resource identifier and a script which contains executable code" and "thereafter, running the executable code of the script on the one or more receivers, upon receipt of the script trigger, if the second resource identifier matches the first resource identifier of the stored information resource." (Claims 1 and 27; claims 11, 19 and 28 – 29 are similar in effect).

Moreover, the present application and the patent to Zigmond et al. were, at the time the invention claimed herein was made, owned by, or subject to an obligation of assignment to, either Microsoft Corporation or WebTV Networks, Inc., which is a wholly owned subsidiary of Microsoft Corporation. Accordingly, under the provisions of 35 U.S.C. § 103(c), the Zigmond et al. reference is disqualified as prior art under 35 U.S.C. § 103(a), thus removing the primary reference of record asserted in the obviousness rejections.

Accordingly, as acknowledged in the Interview Summary, "filing a CPA to remove the Zigmond reference under 103(c)" and amending the independent claims "by clarifying that the script contains executable code which is run when the receiver identifies a trigger of a URL that matches the URL stored at the receiver . . . would overcome the rejections of record."

For at least the foregoing reasons, the pending claims are believed to be patentable over the prior art of record, and thus favorable reconsideration and allowance is respectfully requested. However, in the event that the Examiner finds any remaining impediment to allowance that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 16 day of June, 2003.

Respectfully submitted,


RICK D. NYDEGGER
Registration No. 28,651
Attorney for Applicant



022913

PATENT TRADEMARK OFFICE

W:\14531\82.4\DM\0000003904V001.DOC